

## MEMORANDUM

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Substitute to  
Agenda Item No. 3(B)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** January 17, 2006

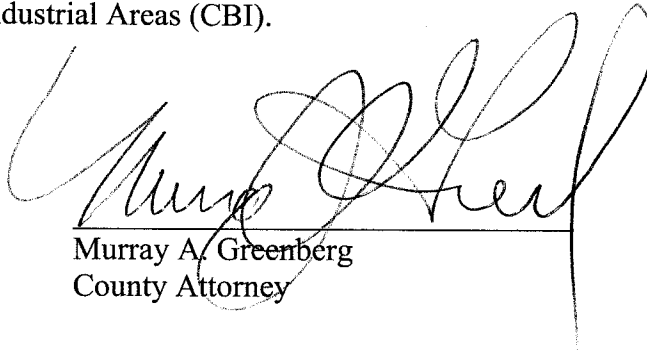
**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance relating to  
annexation; providing  
exception to mitigation  
payment for annexation  
of enclave area

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.

The substitute differs from the original ordinance by deleting a proposed exception to a municipality's required mitigation payment if annexing enclave areas within Commercial, Business and Industrial Areas (CBI).



Murray A. Greenberg  
County Attorney

MAG/bw

# Memorandum



**Date:**

**To:**

Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:**

George M. Burgess  
County Manager

**Subject:**

Amendment to Miami-Dade County Code Section 20-27: Providing Exception To Mitigation Payment For Annexation To Enclave Area.

The accompanying ordinance could have a negative fiscal impact on Miami-Dade County. The amendment exempts municipalities that annex donor enclave areas from making annual payments into the municipal services trust fund to mitigate the financial loss to the Unincorporated Municipal Service Area (UMSA) resulting from the annexation.

According to Sec 20-26 (d) of the County Code, the Board of County Commissioners already has the authority to determine the amount of an annual mitigation payment when a new annexation has a negative fiscal impact on the UMSA budget. Passage of this ordinance would restrict the Board's flexibility by eliminating mitigation payments for the annexation of enclave areas.

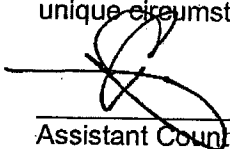
An unincorporated enclave is defined in Section 20-7 (A) (1) (c) of the Miami-Dade County Code as an unincorporated area surrounded on more than 80 percent of its boundary by one or more municipalities and of a size that could not be serviced efficiently or effectively. A donor area is one in which revenues provided to the County exceed the cost to the County of providing municipal services. The annexation of such an area removes the excess revenue from the UMSA budget requiring either a decrease in services to the remaining UMSA or the replacement of lost revenues from another source.

The attached summary shows that four of the fifteen existing enclaves are currently donor areas.

<u>Enclave Area</u>	<u>Net Revenue Loss to UMSA Budget</u>
El Portal - Miami	\$ 16,646
Hialeah	\$ 64,059
High Pines	\$1,331,591
Opa Locka	\$ 60,112

If all four donor enclaves were to be annexed this year, the negative fiscal impact to the County would approximate \$1,472,408 if no mitigation were collected from the annexing municipalities. This figure is net of franchise fee and utility tax collections retained by the County for annexed areas.

I strongly recommend the Board amend this ordinance to allow for mitigation payments for enclave areas but not mandate such payments. In this way the Board has maximum flexibility to deal with any unique circumstances on a case by case basis.

  
Assistant County Manager

# **Estimated Fiscal Impact of Existing Enclave Areas on the UMSA Budget** **(based on fiscal year 2005-2006 statistics)**

ENCLAVE NAME	TAXABLE VALUE	POPULATION	POLICE CALLS	CENTERLINE MILES	GROSS REVENUE	GROSS COST	UMSA GAIN/LOSS
BELMAR	79,448,859	1,589	1,873	4.22	\$352,027	\$727,789	(\$375,762)
BISCAYNE GARDENS	935,745,616	32,705	39,689	11.75	\$5,350,550	\$14,976,825	(\$9,626,275)
BISCAYNE SHORES	506,349,503	9,076	9,096	14.35	\$2,153,075	\$3,377,787	(\$1,224,712)
EL PORTAL - HORACE MANN	0	0	46	0.00	\$0	\$16,860	(\$16,860)
EL PORTAL - MIAMI	4,583,763	67	4	0.05	\$18,186	\$1,540	\$16,646
HIALEAH	64,375,601	2,153	782	6.16	\$359,748	\$295,689	\$64,059
HIGH PINES	626,728,535	3,125	1,674	14.75	\$1,966,864	\$635,273	\$1,331,591
LITTLE GABLES	178,074,759	2,633	2,049	7.60	\$709,087	\$767,773	(\$58,686)
NORTH CENTRAL AND SHORES	2,580,704,433	100,078	164,550	285.82	\$15,606,960	\$64,669,165	(\$49,062,205)
NORTH MIAMI BEACH - A	5,791,437	268	157	1.20	\$38,761	\$59,311	(\$20,550)
NORTH MIAMI BEACH - B	4,829,305	177	105	1.00	\$28,321	\$39,884	(\$11,563)
NORTH MIAMI BEACH - C	166,002,149	4,812	5,050	14.22	\$864,026	\$1,919,529	(\$1,055,503)
NORTH MIAMI - CLAUDE PEPPER PARK	8,666,463	603	375	1.98	\$75,390	\$140,361	(\$64,971)
NORTHEAST	2,050,837,470	39,624	30,315	30.42	\$8,967,036	\$11,454,430	(\$2,487,394)
OPALOCKA	34,719,541	0	89	0.90	\$94,057	\$33,945	\$60,112

North Miami Beach Areas A & B are part of the same police grid. The total calls in the grid (262) were divided among the areas based upon population distribution



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** February 7, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
2-7-06

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ANNEXATION; AMENDING  
ORDINANCE NUMBER 05-142 OF MIAMI-DADE COUNTY,  
FLORIDA; PROVIDING EXCEPTION TO MITIGATION  
PAYMENT FOR ANNEXATION OF ENCLAVE AREA;  
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,  
AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 1 of Ordinance 05-142 of Miami-Dade County, Florida is hereby  
amended to read as follows:<sup>1</sup>

**Sec. 20-8.5. Mitigation on proposed boundary changes.**

- (a) The Board of County Commissioners may require as a condition of municipal boundary change involving an area that is not revenue neutral, that the municipality shall agree to make an annual mitigation payment to the County's Municipal Services Trust Fund in the Unincorporated Municipal Services Area Budget. The amount of the annual mitigation payment shall be determined by the Board of County Commissioners. For purposes of this section, "a revenue neutral area" is defined as an area that previously, as part of the unincorporated municipal service area, generated revenues equal to or less than the cost of services provided to the area by the County.
- (b) In determining whether as a condition of any municipal boundary change the annexing municipality will be required to pay an annual mitigation payment to the County's Municipal Services Trust Fund, the Board of

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

County Commissioners may consider ~~[[, among]]~~ other facts deemed appropriate by the Board ~~[[, whether the proposed annexation will eliminate enclave areas in the unincorporated area]]~~. >>It is provided, however, that the Board of County Commissioners shall not require annual mitigation payment as a condition of a municipal boundary change where a municipality seeks to annex an enclave area as that term is defined in Section 20-7(c).<<

\* \* \*

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:


Prepared by:

Craig H. Coller

Sponsored by Commissioner Carlos A. Gimenez

